



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: Underground Storage Tank Program Initiatives

FROM: Timothy Fields, Jr. /S/ 10/23/00
 Assistant Administrator

TO: Regional Division Directors for Underground Tanks, Regions 1-10

I am writing to share with you this revised version of the four underground storage tank (UST) initiatives we originally discussed during our telephone conference call in early September. I greatly appreciate the insightful comments, useful input, and overwhelming support you provided to us. There were a number of common themes expressed by most Regions, and we have incorporated those overarching ideas into this framework. Not surprisingly, we received numerous state-specific comments which reflect the wide spectrum of Regional and state issues, concerns, and needs. In order to keep making progress on the UST program initiatives, I recommend we move forward with this general framework of initiatives with the caveat that we will, of course, continue to work cooperatively with you and your states as we together develop the details of the initiatives. I am quite pleased to hear of, and personally thank you and your staff for, your support for this framework of UST initiatives which will guide the future underground storage tank work that remains to be completed across our nation.

Background

In 1984 Congress directed the U.S. Environmental Protection Agency to develop regulatory requirements to address the threat to groundwater from leaking underground storage tanks (USTs). EPA developed and is implementing regulations which guide underground storage tank owners and operators to take appropriate measures to prevent releases, detect releases early should they occur, and clean up releases when they do occur. EPA and our state partners have made significant progress in protecting our nation's groundwater by ensuring that more than 1.4 million substandard underground storage tanks are no longer actively used. However, significant work still remains to ensure that the 740,000 active underground storage tanks nationwide are operated properly and do

not contaminate soil and groundwater. In the corrective action area, EPA and states have together made great advances by completing more than 240,000 cleanups; however, there are approximately 160,000 cleanups that have yet to be completed. EPA and states have much work to do in order to address these cleanup challenges, as well as those posed by MTBE releases. As initial steps in addressing the remaining underground storage tank work, EPA has identified this framework of four priority initiatives, which we discuss below.

EPA and states have developed a successful working partnership over the last decade implementing the underground storage tank program. EPA will, of course, continue to work in tandem with the states as we cooperatively continue the dialogue to develop additional details (such as developing targets and making commitments) to carry out these initiatives for the national underground storage tank program. EPA will look to states for their expertise in identifying UST issues and problems; determining solutions to the problems; and helping to solve the problems. The Agency is aware that we need the full cooperation of states in order to achieve the continued, successful implementation of the UST program under these initiatives.

Framework of UST Initiatives

1. USTfields for Abandoned Tanks: There are approximately 200,000 abandoned or closed underground storage tank sites at Brownfields sites alone that may be candidates for cleanup and redevelopment. These candidate sites include those on private property, public property (or state/local property), tribal lands, and Federal facilities. The USTfields initiative will help to create and foster state and local partnership efforts to assess and cleanup and, as an added benefit, help coordinate the reuse of these tank sites by awarding 50 state/local and EPA Regional/tribal pilot partnership grants for corrective action up to \$100,000 per pilot. Possible uses of the cleaned up sites could be, but are not limited to, ecological (such as wetlands), economic, recreation, or for open space. To leverage resources, the emphasis will be to select pilots from existing EPA redevelopment projects (such as Brownfields pilot communities, Brownfields showcase communities, Superfund redevelopment communities, or RCRA redevelopment communities), with a priority for funding underground storage tank pilots that assess for MTBE contamination. The Agency will encourage states to work closely with their local governments to select sites according to their priorities. EPA will work vigorously to ensure the funding of this initiative does not adversely affect existing program activities. This initiative will include:

- Announcing, in the fall of 2000, the first 10 pilots with abandoned or closed underground storage tank petroleum-release sites in existing EPA redevelopment projects.
- Planning, in 2001, to competitively solicit bids for the next 40 pilots with abandoned or closed underground storage tank petroleum-release sites emphasizing sites located in existing EPA redevelopment projects.

2. **Improving Compliance:** Achieving compliance with the 1998 requirements (to meet new tank standards; upgrade tanks with spill, overfill, and corrosion protection; or properly close substandard tanks) and the leak detection requirements is a national priority. This encompasses compliance for all UST systems, including those on private property, public property (or state/local property), tribal lands, and Federal facilities. Although estimates indicate that 85 percent of all tanks are in compliance with the spill, overfill, and corrosion protection requirements, the work to bring the remaining 15 percent of (or approximately 100,000) tanks into compliance will be a challenge. Many states estimate the operational compliance rate with the leak detection requirements is approximately 60 percent. An even bigger challenge for the national UST program is to bring the remaining 40 percent of tanks into leak detection compliance and do what is necessary to ensure they remain in compliance. Ensuring tanks are in compliance with the UST requirements is an integral component to preventing future releases of MTBE as well as other contaminants. This initiative will include:
- Improving the quality of compliance data by encouraging EPA Regions and states to initiate an effort to focus particularly on operational compliance data, so that EPA, states, and the public have an accurate and consistent measure of compliance.
 - Setting national and Regional targets through 2005 for bringing tanks into operational compliance with the spill, overfill, and corrosion protection requirements and leak detection requirements, and obtaining commitments for state-specific targets through EPA/state UST grants.
 - Obtaining commitments from states to increase their inspection and enforcement presence if state-specific targets are not met. Additionally, EPA may elect to supplement state compliance assurance and enforcement efforts in those states that fall significantly below compliance targets. Headquarters will work with the Regions and states to reflect these activities in the planning process.
 - Exploring the use of the federal audit policy and other approaches to promote multi-site compliance agreements between EPA and multi-site owners to bring their tanks into operational compliance.
 - Providing tools (such as technical assistance, improved guidance, and training) which will provide owners, operators, and inspectors with accurate information about the operation and maintenance of UST systems and foster improved operational compliance.
3. **Faster Cleanups:** While preventing releases is the first line of protection, cleaning up tanks that have already released petroleum into the environment is equally important and challenging. Nationwide, there are approximately 160,000 petroleum releases, such as those on private property, public property (or state/local property), tribal lands, and Federal

facilities, that need to be cleaned up. Although tank owners are responsible for these cleanups (and states are primarily responsible for oversight), EPA is making these cleanups a higher national priority with the intent of increasing the pace at which cleanups are initiated and completed. This is especially important in light of the discovery of MTBE releases. The initiative will include:

- Setting national and Regional targets through 2005 for cleaning up releases; providing states with technical support and incentives to help states meet these targets; and obtaining commitments through EPA/state cooperative agreements for state-specific targets.
- Exploring the use of the federal audit policy and other approaches to promote multi-site cleanup agreements between EPA and multi-site owners to clean up releases from their sites.
- Conducting ten cleanup pilots (one per Region) to test the benefits of incentive based cleanups (for example, pay for performance cleanup contracts and risk based cleanups) at UST sites, especially those owned by small businesses and those where MTBE is affecting drinking water.
- Providing tools (such as technical assistance, improved guidance, and training) which will help states achieve faster, less expensive, and more effective cleanups by assisting with risk management practices and program performance evaluations, and by providing guidance on how to improve the cleanup of releases, including MTBE releases.

4. Evaluating UST System Performance: EPA required underground storage tank owners and operators by December 22, 1998 to meet new tank standards, upgrade, or close all substandard USTs. Despite these requirements and the subsequent improvement in UST systems installations, there is evidence of releases from compliant UST systems. In addition, there is evidence that most releases are found at closure and not through the use of leak detection systems. This evidence raises questions about the effectiveness of current leak detection requirements, systems, and their operation. There have also been concerns raised about proper operation and maintenance of other UST system components. The July 27, 1999 report by the Blue Ribbon Panel on Oxygenates in Gasoline stated, "...there continue to be reports of releases from some upgraded systems, due to inadequate design, installation, maintenance, and/or operation..." and recommended numerous actions to enhance the UST program. In support of these recommendations, EPA will obtain more definitive information on UST systems by:

- Evaluating the performance of UST systems and determining what, if any, improvements are necessary.

- Determining whether the regulations are working and what, if any, changes should be made.
- Determining whether there are regulatory or statutory gaps and, if so, whether they should be closed.

Next Steps

I understand Regions and states perform a wide range of work in order to implement the national underground storage tank program. Additionally, I realize that, while these four initiatives will complement Regions' and states' ongoing UST work, there are a great many demands on you and your staff that may not necessarily be captured under these four initiatives. However, I believe it is appropriate to emphasize this framework of four initiatives to help garner increased nationwide attention to and support of underground storage tank issues.

Cliff Rothenstein, Director of EPA's Office of Underground Storage Tanks (OUST), and his staff will work with your staff and states as we continue to develop the specifics about the initiatives. For example, OUST discussed these initiatives with the UST Regional Program Managers (RPMs) during the RPM meeting. Additionally, OUST will conduct an ongoing dialogue with your staff and states to achieve a productive resolution to the specific issues you raised regarding the initiatives framework. Although we plan to make significant progress before then, the National UST Conference in March 2001 in Albuquerque will provide yet an additional opportunity to obtain state input.

Again, thank you for your timely and important comments about, as well as your support for, the UST program initiatives. We look forward to working with you and your states to achieve our common goal of preventing another generation of leaking underground storage tanks which can threaten the nation's drinking water supply.

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